

**ASSEMBLY BILL**

**No. 66**

**Introduced by Assembly Member Leslie**

December 9, 2002

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An act to amend Section 91.5 of the Streets and Highways Code, and to add Article 5 (commencing with Section 330) to Chapter 2.5 of Division 1 of the Water Code, relating to waterways.

LEGISLATIVE COUNSEL'S DIGEST

AB 66, as introduced, Leslie. Waterways: Adopt-A-Waterway Program.

Existing law authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement of a section of a state highway. The Director of Transportation is authorized to recognize the sponsoring person with the erection of a courtesy sign on the highway. Existing law further authorizes the department to issue encroachment permits. Pursuant to this authority, the department operates a government-volunteer partnership Adopt-A-Highway Program.

Existing law designates the Department of Food and Agriculture as the lead department in noxious weed management.

Existing law establishes the Department of Water Resources within the Resources Agency, and vests in the Department of Water Resources management and regulatory responsibilities with respect to the maintenance of waterways, improving ecosystem quality, water supply reliability, and water quality.

This bill would authorize the Department of Water Resources to enter into an agreement to accept funds, materials, equipment, or services

from any person, as defined, for maintenance or enhancement of a section of a state waterway, as defined, for purposes of establishing an Adopt-A-Waterway Program. Participation in the program would include management of noxious weeds, unless no noxious weeds are present, and may include litter removal, establishment of native seedling trees and shrubs, planting and establishing native grasses and wildflowers, and other activities that the department authorizes through regulations. The department would be required to consult with the Department of Food and Agriculture with respect to noxious weed management to be carried out under the program. At the request of the department, the Director of Transportation would be authorized to recognize the sponsoring person with the erection of a courtesy sign on a public highway near the waterway.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Noxious weeds have destroyed large portions of riparian
- 4 habitat along creeks, streams, rivers, lakes, reservoirs, and other
- 5 bodies of fresh water in California.
- 6 (b) Noxious weeds damage the integrity of the riparian system
- 7 by altering erosion, sedimentation, flooding, and fire.
- 8 (c) The noxious weed *arundo donox* (giant reed) has
- 9 established large colonies across the state, most notably in
- 10 Southern California, where in one 10,000 acre area of riparian
- 11 habitat it has been estimated to consume more than 30,000
- 12 acre-feet of water each year, or enough water to meet the yearly
- 13 fresh water needs of 60,000 average families.
- 14 (d) Proper noxious weed management in riparian habitats is
- 15 critical to sustaining California's fresh water supply in the future.
- 16 (e) The Adopt-A-Highway Program, which began in 1989, has
- 17 been one of the truly successful government-volunteer
- 18 partnerships of our time, under which more than 120,000
- 19 Californians from over 6,000 groups have cleaned and beautified
- 20 6,000 miles of California roadsides.
- 21 (f) The Legislature intends that the Department of Water
- 22 Resources within the Resources Agency, operate an



1 Adopt-A-Waterway Program, patterned after the Department of  
2 Transportation's successful Adopt-A-Highway Program.

3 SEC. 2. Section 91.5 of the Streets and Highways Code is  
4 amended to read:

5 91.5. (a) The department may enter into an agreement to  
6 accept funds, materials, equipment, or services from any person  
7 for maintenance or roadside enhancement of a section of a state  
8 highway. The department and the sponsoring person may specify  
9 in the agreement the level of maintenance that will be performed.

10 (b) The director may authorize a courtesy sign. These courtesy  
11 signs shall be consistent with existing code provisions and  
12 department rules and regulations concerning signs.

13 (c) *At the request of the Department of Water Resources, the*  
14 *director may authorize a courtesy sign to recognize a sponsoring*  
15 *person under the Adopt-A-Waterway Program. These courtesy*  
16 *signs shall be consistent with existing code provisions and*  
17 *department rules and regulations concerning signs.*

18 SEC. 3. Article 5 (commencing with Section 330) is added to  
19 Chapter 2.5 of Division 1 of the Water Code, to read:

20  
21 Article 5. Adopt-A-Waterway Program  
22

23 330. (a) The department is authorized to operate a  
24 government-volunteer partnership Adopt-A-Waterway Program.

25 (b) The department may enter into an agreement to accept  
26 funds, materials, equipment, or services from any person for  
27 maintenance or enhancement of a section of a state waterway. The  
28 department and the sponsoring person may specify in the  
29 agreement the level of maintenance or enhancement that will be  
30 performed.

31 (c) Participation shall include controlling noxious weeds,  
32 according to an approved plan, along the adopted waterway. If  
33 there are no noxious weeds along the adopted waterway, any of the  
34 three activities authorized in subdivision (d) may be substituted for  
35 noxious weed management.

36 (d) Participation may include the following activities:

37 (1) Removal of litter along the adopted waterway.

38 (2) Planting and establishing native seedling trees and shrubs,  
39 according to an approved plan, along the adopted waterway.

(3) Planting and establishing native grasses and wildflowers, according to an approved plan, along the adopted waterway.

(e) The department may adopt regulations establishing additional activities suitable for participation, consistent with this article.

331. (a) The department shall consult with the Department of Food and Agriculture with respect to noxious weed management to be carried out under the Adopt-A-Waterway Program.

(b) It is the intent of the Legislature that the duties and responsibilities of the department and the Department of Food and Agriculture, as provided for in this section, be accomplished by utilizing existing staff resources, as available.

332. The department may request the Director of Transportation to authorize a courtesy sign to be placed on a state highway near the waterway, pursuant to Section 91.5 of the Streets and Highways Code. These courtesy signs shall be consistent with existing Streets and Highways Code provisions and Department of Transportation rules and regulations concerning signs.

333. For purposes of this article:

(a) “Person” means all persons whether natural or artificial, including, but not limited to, the United States of America, and all political subdivisions, districts, municipalities, and public agencies of the State of California.

(b) “Noxious weeds” include *Arundo donax* (Giant reed), *Myriophyllum spicatum* (eurasian milfoil), *Lepidium latifolium* (Perennial pepperweed), *Cardaria draba* (Hoary cress), *Retama monosperma* (bridal bloom), *Vinca major* (periwinkle), *Tamarix* spp. (Tamarisk, salt cedar), *Delairea odorata* (Cape/German ivy), *Centaurea solstitialis* (Yellow star thistle). The department may, in consultation with the Department of Food and Agriculture, adopt regulations establishing additional noxious weeds suitable for management, consistent with this article.

(c) “Waterway” means the water, bed, shoreline, and riparian vegetation, of any creek, including an “urban creek” as defined in Section 7048, stream, river, lake, reservoir, or other body of fresh water, including a “stream environment zone” as defined in Section 66957 of the Government Code.